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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,963	09/26/2003	Akira Yamaguchi	Q75437	7028
23373	7590	08/22/2007	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			DHINGRA, PAWANDEEP	
			ART UNIT	PAPER NUMBER
			2625	
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			08/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/670,963	YAMAGUCHI, AKIRA
	Examiner	Art Unit
	Pawandeep S. Dhingra	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 August 2007.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-5 is/are pending in the application.  
 4a) Of the above claim(s) 6-8 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 26 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 05/04/2007, 01/07/2004.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

- This action is responsive to the following communication: a Response to Restriction Requirement filed on 08/06/2007.
- Claims 1-5 are elected in the present application; claims 6-8 have been non-elected by the applicant.
- Only claims 1-5 are being examined on the merits in response to the election made without traverse by the applicant.

#### ***Examiner Notes***

Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

#### **Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 are rejected under 35 U.S.C. 102 (a) or (e) as being anticipated by Yamano, US 2002/0067925.

Re claim 1, Yamano discloses a printer (see figure 1; abstract) having a function to control quality of an output image (see abstract), comprising: output means for outputting a first test pattern for automatic measurement of image quality (see abstract; paragraphs 205-209 212, note that the test pattern established by the test pattern setting means is automatically measured by a micro-densitometer and changes are also made automatically, if needed, by the control means 103), and a second test pattern for visual evaluation (see abstract, paragraph 15, note that *“a printing section to print either the medical image or a test-pattern for evaluating a quality of the medical image”*); measuring means (see figures 2-3) for automatically measuring the image quality (i.e. sharpness or granularity) of said first test pattern for the automatic measurement of the image quality (see paragraph 208-209, 212) (also see paragraphs 213-226); determining means (see figure 2) for determining the image quality from image quality data obtained through said automatic measurement by means of said measuring means to obtain determination results (see paragraphs 212-226); inputting means for inputting evaluation results of the visual evaluation of said second test pattern for the visual

evaluation (see paragraphs 3-4, 15, 205, 249-261); storage means (see figure 2) for storing said image quality data (see paragraph 17) obtained through said automatic measurement, said determination results and said evaluation results of said visual evaluation (see paragraphs 15-193, 212, 222, 251); and display means (see figure 2) for displaying said stored image quality data, said determination results, said evaluation results of the visual evaluation and history thereof (see paragraphs 15, 87, 212, 268).

Re claim 2, Yamano further discloses first test pattern for the automatic measurement of the image quality pertains to at least one of density, format and sharpness (see paragraph 212-226, 261)

Re claim 3, Yamano further discloses second test pattern for the visual evaluation is at least one of an SMPTE pattern and a standard clinical image (i.e. medical image) (see paragraphs 7-8, 15)

Re claim 4, Yamano further discloses printer (i.e. recording apparatus 40) outputs said first test pattern for the automatic measurement of the image quality and said second test pattern for the visual evaluation on a single sheet (see paragraph 11-15, 212-226).

Re claim 5, Yamano further discloses printer is a medical printer that outputs a transmitting monochrome film (see paragraphs 15, 33, 71, 204, 273, 280).

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pawandeep S. Dhingra whose telephone number is 571-270-1231. The examiner can normally be reached on M-F, 9:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on 571-272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

fd  
Pd

August 15, 2007



TWYLER LAMB  
SUPERVISORY PATENT EXAMINER